PRIVY COUNCIL REPORTS

WONG SWEE CHIN @ BOTAK CHIN v. PUBLIC PROSECUTOR

[P.C. (Lord Wilberforce, Viscount Dilhorne, Lord Simon of Glaisdale, Lord Salmond and Lord Scarman) January 24, 1979]

[Privy Council Appeal No. 24 of 1978]

Criminal Law and Procedure — Plea of guilty — Charges under Internal Security Act — Sentenced to death — Application for extension of time to appeal.

This was an appeal against the decision of the Federal Court ([1977] 2 M.L.J. 194) where the appellant applied for an order that he be granted extension of time within which to file Notice of Appeal and was refused. The Privy Council allowed his appeal.

PRIVY COUNCIL APPEAL FROM MALAYSIA.

Jagjit Singh for the appellant.

Patrick William Medd Q.C. for the respondent.

No written judgment was delivered on this appeal.

Lord Wilberforce said at the hearing: "Their Lordships will ... report to His Majesty the Yang di-Pertuan Agong that the time for appeal should be extended; the convictions and sentence of the appellant should be set aside and the case remitted to the Federal Court for further consideration as to whether or not to order a new trial."

Order accordingly.

Solicitors: *Coward Chance; Stephenson Harwood.*

LUDHIANA TRANSPORT SYNDICATE & ANOR. v. CHEW SOO LAN & ANOR.

[P.C. (Viscount Dilhorne, Lord Russell of Killowen and Lord Keith of Kinkel) January 30 and April 4, 1979]

[Privy Council Appeal No. 32 of 1976]

Tort — Negligence — Appeal — Circumstantial evidence — Danger of speculation — Theory not tested by cross-examination — Findings of fact by trial judge — Appeal court should be wary of upsetting finding of trial court.

In this case there was an accident involving a motor car in which the husband of the first respondent was a passenger and a lorry driven by the second appellant and owned by the first appellants. The respondents as administratrix and co-administrator of the deceased's estate had brought an action for damages against the appellants claiming that the accident was caused by the second appellant, the driver of the motor lorry. The trial judge dismissed the action as he found that the accident was due entirely to the fault of the driver of the car. The driver of the car and the driver of the lorry both gave evidence at the trial and the trial judge accepted the evidence of the lorry driver and rejected that of the car driver. On appeal to the Federal Court the Federal Court held that the balance of probability was that the drivers of both vehicles were to blame and it was impossible to say in what proportion the blame should be allocated between them. In the circumstances they held that it would not be unreasonable to apportion the liability equally between the drivers of the two vehicles and therefore judgment should be given for the plaintiffs for half of the damages awarded — see [1976] 2 M.L.J. 205. The appellants appealed to the Privy Council.

Held, allowing the appeal: (1) an appeal court should be most wary of upsetting the finding of the trial judge who has seen and heard the witnesses upon the basis of theories of their own as to the general probabilities, which have not been fully tested at the trial;

(2) in this case the trial judge had rejected the evidence of the car driver. It was a strong step for an appeal court, which neither saw nor heard the witnesses, to hold that the trial judge was wrong to do so. Here, the Federal Court had not only done that, partly on their view as to the general probabilities and partly by attaching significance to pieces of evidence in themselves completely neutral, but they had reached a contrary finding as to the cause of accident which was not supported by any witness at the trial and which necessarily involved that the car driver could not have been telling the truth when he said he was driving as close as could be to his own side of the road.

HIGH COURT.

Foo Sam Ming for the plaintiffs.

P.P. Sangarananda for the defendants.

Ajaib Singh J.: The plaintiffs in this case brought this action in their capacity as administratrix and co-administrator of the deceased estate for the benefit of the widow and dependants of the deceased.

In their statement of claim the plaintiffs averred that on or about December 31, 1970 at about 12.50 p.m. the deceased was travelling as a passenger in motor car No. NB 5522 which was driven by one Chia Choo Hoo along Jalan Kuala Pilah-Jalan Seremban towards the direction of Seremban when at or near the 13th milestone motor lorry No. ND 1969 travelling along the opposite direction from Seremban towards Kuala Pilah and driven by the second defendant who was the servant or agent of the first defendant caused it to run into motor car No. NB 5522 in which the deceased was travelling and as a result of which he received fatal injuries and died on the same day. The plaintiffs alleged that the collision was caused solely by the negligence of the second defendant and they set out particulars of negligence in their statement of claim. The plaintiffs further relied on the doctrine of *res ipsa loquitur*. The plaintiffs also averred that as a result of the death of the deceased his estate and dependants suffered loss and damage. The deceased was a married man with a wife and five children. He was of 50 years of age at the time of his death and was a merchant earning about $1,000 per month out of which sum he paid $800 per month to the widow and his other dependants for their use, support and maintenance. The deceased was the sole supporter of the family and by his death the family lost support to the extent of $800 per month. In addition to general damages the plaintiffs also claimed a total of $4,965 as special damages in respect of funeral expenses, damage to the car and cost of obtaining the R.I.M.V. and police reports, sketch plan and photographs.

In their statement of defence the defendants denied that the accident was caused by the negligence of the second defendant and specifically denied all the particulars of negligence alleged against the second defendant in the statement of claim. They averred that the accident was caused solely or in the alternative contributed to by the negligence of the driver of motor car No. NB 5522 and they set out particulars of negligence against that driver. The defendants made no admission as to the alleged injuries, loss and damage.

At the commencement of the trial Mr. Foo Sam Ming for the plaintiffs asked for an amendment to

the statement of claim that the deceased's age at the time of death was 45 years instead of 50. This amendment was allowed. The parties were also agreed on the quantum of special damages at $1,515.

Two witnesses gave evidence on behalf of the plaintiffs. The first was Chia Chah Hoo who said that in December 1970 he was working with the deceased as a salesman selling wrist watches. The deceased was a wholesaler and they both travelled around selling watches in Singapore and Malaysia. On December 31, 1970 he and the deceased left Kuala Pilah at about 12.10 p.m. in motor car No. NB 5522 for Seremban. This was a Mercedes Benz car. He drove it while the deceased sat beside him. He said he was travelling at about 35 miles per hour and at the 12½ milestone he saw a motor lorry coming from the opposite direction which encroached onto his path and knocked against his car. Just before the collision he said he was travelling on the left side of the road as one faces Seremban. There was a slight bend in front of him at the scene. He said it was raining at the time and that when he first saw the lorry it was about 40 feet away. He could not see it earlier because of the bend ahead. When he saw the lorry coming very fast he sounded his horn and he was still on his own side of the road. Soon thereafter the lorry dashed into his car and he felt giddy after the collision. He said the lorry knocked against the driver's side of the car — the front mudguard. He said that the collision took place on his side of the road and after the collision his car landed on the edge of his side of the road but he could not remember where the lorry stopped after the accident. He and the deceased were then taken to Kuala Pilah hospital. He too received injuries while the deceased received serious injuries from which he died. He said the road was wet at the time and it was raining but the visibility was good. To a question by his counsel if he took evasive action when he saw the lorry coming towards him the witness replied that the lorry came in a very fast manner, he was on his correct side of the road so he took no evasive action. On his left was a big drain and he said that the accident took place within seconds.

The witness further stated that the deceased was a wholesale dealer in watches in Singapore and he was the sole proprietor of his shop Sin Mah. The witness was the only salesman and was paid $400 per month as salary. The net income of the deceased was more than $1,000 and he said that the deceased was a healthy man.

In cross-examination the witness said that the deceased and he visited Malaysia once a month on business. On the day in question they had arrived in Kuala Pilah at 11.00 a.m. driving from Malacca to Tampin and Seremban and then on to Kuala Pilah. He said that he was familiar with the Seremban-Kuala Pilah road. He agreed that a few miles before the place of accident there were several bends on the Seremban side. He said that from Kuala Pilah side before the place of accident there were some bends and also straight stretch of road. After the collision his car was on the left hand side and facing Kuala Pilah. He agreed with the position of his car in the photograph shown at page 6 of Agreed Bundle of Documents. He said just before the collision he was on his correct side and could not go any further to the left because of the drain. In answer to the court the witness said that there was a left hand bend in front — an "S" shaped bend and there was also a bridge over a small river. He had not reached the bridge yet and the accident occurred about 40 feet from the bridge. The road behind him was not very straight and was slightly curved. It was raining not heavily but drizzling.

The next witness was the first plaintiff the wife of the deceased. She said that she had five children. The deceased was 45 years old and a healthy man at the time of the accident. He was a businessman dealing in watches and his income was slightly over $1,000 per month. She said her husband used to travel around Singapore and Malaysia and he had also been to Hongkong on business. All her children were schooling at the time of the accident and the deceased was the sole bread-winner of the family. She said her husband used to give her $800 per month for household expenses and children's education. The house in which they lived and where her husband carried on his business was rented premises at $300 per month. She said that after his death she had been put into financial difficulties. She herself was not working and the deceased's brother was now looking after her and the children.

In cross-examination she said that the business shop had been returned to the shop owner and the remaining goods were sold away bit by bit and she had spent the money on the family. She said that when her husband travelled to Malaysia he remained away for about two weeks and during his absence no business was done in Singapore. He had started this business in 1962 or 1963 and she produced the certificate of business registration. She said that the deceased gave her $800 per month and the deceased also paid income tax in Singapore. She had no papers to show how much tax was paid. She was also not aware of any debts owing by the deceased when he passed away.

The defence also called two witnessess. The first witness was the second defendant the lorry driver of lorry No. ND 1969. He said that on December 31, 1970 he was driving his lorry from Petaling Jaya to Bahau and had an attendant named Soundaraju with him. He was carrying 100 empty drums of 45 gallon capacity each. When he reached 12½ milestone from Kuala Pilah he said he crossed a bridge and saw a Mercedes Benz car coming from the opposite direction and coming on to his path. On seeing this he swerved his lorry to his left edge. This car then knocked into the front portion of his lorry and then swung round and stopped facing the direction of Kuala Pilah. There were two persons in the motor car. Then a car coming from Seremban took the two persons to Kuala Pilah hospital. This witness said that it was drizzling at that time and he was doing 15 to 20 miles per hour because of the rain. He had been driving lorries along this road for the last ten years and he said that he was quite familiar with the road. About two miles up to the place of accident there were many bends on the Seremban side. The road after the place of accident towards Kuala Pilah he said was

a straight stretch of road. He referred to the two photographs shown at page 6 of Agreed Bundle of Documents and said that was the position of the vehicles after the accident.

In cross-examination he said he went to Petaling Jaya to bring back the empty drums and he left Petaling Jaya at 10 a.m. and arrived at the scene of the accident about 12.30 p.m. He said he was not anxious to go back to Bahau and he could not travel fast because of the load of empty drums. He said he was paid monthly and he was not paid any extra money if he did extra trips. He did only one trip and he carried latex on other days. He said it was a 6-ton lorry and he was quite used to this type of lorry and the load of drums was secured by ropes. He agreed that just before the scene of accident the road was very winding. He agreed further that his was a heavy vehicle and it demanded extreme care and said he was very careful. He also agreed that a slight mistake on his part would have landed him in the drain or hit an opposite vehicle. The road was quite narrow. He said that he was on his correct side of the road within his own half. The bridge was a long bridge but was not narrow and just before he passed the bridge there was a nasty left hand bend and he could not see more than 50 feet ahead of him. He said he did not stop at the bridge as there was no need for him to do so. He could see in front and he was not travelling fast. He denied that he had encroached onto the path of the oncoming vehicle and he said that it was the Mercedes Benz car which encroached onto his path. He agreed that the front off-side of his lorry was damaged. He denied knocking into the other vehicles and said that he exercised extreme care and the car came and knocked into his lorry. In re-examination he said that just before the bridge was a left hand bend — about 50 feet away. I asked him from the Bench why he had made no mention in his report made to the Police on the same day at 1.20 p.m. that the Mercedes Benz had encroached onto his path and to this the witness replied that he had said in his report that the car knocked into his lorry and by that he meant that the car encroached onto his path.

The second witness for the defence was the lorry attendant Soundaraju. He said that he was working as an attendant on the lorry on the day in question and the lorry was carrying empty drums and he was sitting on top of the lorry behind on top of the driver's cabin. There was no other place to sit because there were drums on the lorry. He said that there was an accident on the way. Before reaching the place of accident there were many bends and he was holding on to the empty drums. Immediately after that he heard a sound but he did not see the accident as he was facing the rear and he said he did not know how the accident took place.

On the evidence before me I held that the driver of the car in which the deceased was travelling was wholly to be blamed for the accident. I accepted the evidence of the second defendant the driver of motor lorry No. ND 1969 that after he had crossed the bridge the oncoming car encroached onto his path and collided with his lorry. The second defendant was travelling from Seremban towards Kuala Pilah driving a heavy 6-ton lorry carrying a load of 100 empty drums of 45 gallon capacity each. The lorry had travelled along many bends immediately before reaching the bridge and could not have been travelling fast as alleged by the driver of the car. I accepted the evidence of the second defendant that on seeing the oncoming car encroaching onto his path he swerved his lorry to the left edge of the road but the car knocked into the front portion of the lorry and swung around. On the other hand I did not accept the evidence of the driver of the car that it was the lorry which had encroached onto his path. The road up to the place of the accident from Kuala Pilah side was a fairly straight stretch unlike the stretch of road from Seremban side up to the place of the accident. On a balance of probabilities I found that it was the driver of the car in which the deceased was travelling who was to be blamed for the accident. The scratch mark on the left side of the road shown on the sketch plan as one comes from Seremban is in between the two vehicles and nearer the lorry which in all probability indicates that the accident occurred on the lorry's side of the road. Also on the grass verge next to the lorry are shown glass fragments from the broken windscreen of the car. This tends to support the evidence of the driver of the lorry that he swerved his lorry to the very left edge of the road in attempting to avoid the oncoming car. As to the speed of the vehicles it was the car rather than the lorry which in all probability was travelling very fast because after knocking into the lorry which was on its correct side the car swung round and ended up facing the direction it had come. The car was approaching a bridge and then a bend ahead and it was also drizzling at that time. In these circumstances I held that the driver of the car had failed to exercise due care and attention by driving fast and encroaching onto the other half of the road. I therefore held that the plaintiffs had failed to prove any negligence on the part of the defendants.

In the event of a finding of 100% liability I would have made the following awards —

(1) $42,628 general damages

(2) $1,515 agreed special damages with 6% interest on general damages from the date of service of writ and 3% on special damages from the date of accident.

However as I held that the driver of the car in which the deceased was travelling was wholly to be blamed for the accident I dismissed the plaintiffs' claim against the defendants with costs.

The plaintiffs appealed to the Federal Court which allowed the appeal — see [1976] 2 M.L.J. 205. *The appellants-defendants thereupon appealed from the decision of the Federal Court.*

PRIVY COUNCIL APPEAL FROM MALAYSIA.

Douglas Draycott Q.C. and *Lim Chor Pee* for the appellants.

John Crowley Q.C. for the respondents.

Lord Keith of Kinkel (delivering the judgment of the Board): This appeal is concerned with a road accident which occurred on December 31, 1970 near the 12½

milestone on the Seremban/Kuala Pilah Road in the Police District of Kuala Pilah. The husband of the first respondent was a passenger in a Mercedes motor car which was being driven towards Seremban by one Chia Chah Hoo, who was his servant or agent. A 6-ton motor lorry owned by the first appellants and driven by the second appellant in the course of his employment with them was travelling in the opposite direction. The two vehicles collided and the first respondent's husband sustained fatal injuries.

The respondents, as administratrix and co-administrator of the deceased's estate, brought the present action against the appellants in the High Court at Seremban, claiming damages on the ground that the accident was caused by the negligence of the second appellant, for whose actions in the course of his employment with them the first appellants were responsible. On February 12, 1976 Ajaib Singh J., after trial, gave judgment for the appellants, holding that the accident was wholly caused by the fault of Chia Chah Hoo, the driver of the motor car. The respondents appealed to the Federal Court of Malaysia, and on July 19, 1976 that Court (Gill C.J., Wan Suleiman and Ali F.JJ.) delivered a judgment setting aside the order of Ajaib Singh J., holding that the second appellant and the driver of the motor car were both equally to blame for the accident, and awarding the respondents damages of $22,071.50. The present appeal from that judgment comes before this Board with leave of the Federal Court dated September 13, 1976.

Part of the evidence led at the trial consisted of a sketch plan, prepared by a police officer and agreed as accurate, showing the state of affairs at the scene of the accident shortly after its occurrence. From this it appeared that the road was 19 feet wide, with a 5-foot grass verge on either side. There was a bridge with parapets close up against the carriageway about 60 feet from the *locus* in the direction of Seremban, *i.e.*, the direction from which the lorry had been travelling, and the road curved to the left in that direction. There were a considerable number of bends in the road further in that direction, but the approach to the bridge from the direction of Kuala Pilah was fairly straight. The Mercedes car was lying at an angle facing towards Kuala Pilah, *i.e.*, in the opposite direction to that in which it had been travelling, partly on its nearside half of the carriageway and partly on the adjacent verge. The motor lorry was also facing towards Kuala Pilah, lying at roughly the same angle across its own nearside verge, its offside rear corner being on the carriageway and its nearside front corner being beyond the verge. Fragments from the broken windscreen of the car were lying in the centre of the verge near the offside front wheel of the lorry. There was a depression or scratch mark on the same side of the carriageway as the lorry, 3 feet 6 inches from the centre line and a few feet behind the offside rear wheel of the lorry. There was no evidence as to how or when that mark had got there. The damage to both vehicles was on the front offside. A photograph produced in evidence showed that the car's front bumper had been almost completely torn off. The presence of the scratch mark on the plan suggests that its appearance was such as to indicate, to the mind of the police officer who prepared the plan, a possible connection with the accident.

According to the evidence of the car driver, he was driving at about 35 m.p.h on his own side of the road when he saw the motor lorry coming very fast about 40 feet away. He had been unable to see it earlier because of the bend in the road, and it encroached onto his path and crashed into his vehicle. He sounded his horn but could not take any evasive action since he was as close as he could be to his own side of the road. The evidence of the lorry driver was in sharp conflict. He said that as he passed the bridge driving at 15 to 20 m.p.h he saw the Mercedes coming from the opposite direction and coming onto his way. He swerved the lorry to his very left, but the car knocked into the front portion of the lorry and swung round. He claimed to have been on his correct side of the road within his own half, and denied having encroached onto the path of the other vehicle. Apart from that of the two drivers, there was no direct evidence as to how the accident occurred. The car driver, in a statement made to the police shortly after the accident, specifically said that the lorry had encroached onto his path. The lorry driver, in a similar statement, did not say that the car had encroached onto his path, but merely that the car "knocked-into my lorry". In answer to a question by the trial judge he explained that this meant that the car encroached onto his path.

The learned trial judge said in his judgment that he accepted the evidence of the lorry driver and rejected that of the car driver. He expressed the view that since the lorry had travelled along many bends immediately before reaching the bridge it could not have been travelling fast as alleged by the car driver. The motor car, on the other hand, had been travelling along a fairly straight stretch of road. He considered that the position of the scratch mark on the road in all probability indicated that the collision occurred on the lorry's side of the road, and that the presence of glass fragments from the car's windscreen on the verge next to the lorry tended to support the lorry driver's evidence that he swerved to the very left edge of the road in an attempt to avoid the oncoming car. He also took the view that in all probability it was the car rather than the lorry which was travelling very fast, since after the collision it swung round and ended up facing the direction from which it had come. He therefore held that the car driver had failed to exercise due care and attention by driving fast and encroaching onto the other half of the road, and that the plaintiffs had failed to prove any negligence on the part of the defendants.

The Federal Court, in the judgment under appeal, stated that the finding of the trial judge whereby he accepted the evidence of the lorry driver and rejected that of the car driver was clearly not based entirely on the demeanour of the witnesses as they gave evidence, and that the court therefore thought in all the circumstances of the case they were in as good a position as the trial judge to form a view as to what happened. The court considered that the trial judge was speculating when he inferred that the lorry driver could not have been going fast because he had travelled along many bends immediately before reaching the bridge. They regarded it as common knowledge that drivers tend to cut the corner when negotiating right hand bends, as the lorry driver was doing in this

case. They considered the circumstance that the car swung round after the collision to be indicative of high speed on the part of the lorry, not the car, and that the trial judge had failed to take account of the relative widths and weights of the lorry and of the car, or to make any allowance for the fact that the lorry had immediately before the accident crossed a narrow bridge. The court further expressed the opinion that, there being no evidence as to how the scratch mark came to be on the road or that it was made by the car, the trial judge was not entitled to infer from its presence that the accident occurred on the lorry's side of the road. Likewise, the presence of broken glass on the verge beside the lorry did not in the opinion of the court support the lorry driver's statement that he swerved to the left edge of the road in attempting to avoid the car. In this connection it is to be noted that the court overlooked that it was an agreed fact that the broken glass came from the windscreen of the car, and mistakenly thought that this depended on the evidence of the lorry driver. The court also considered that some significance ought to be attached to the circumstance that the car driver had specifically stated in his report to the police after the accident that the lorry had encroached onto his path, whereas the lorry driver's report contained no statement that the car had encroached onto his path, and that the trial judge should not have accepted the lorry driver's explanation of this.

In the result, the Federal Court came to the conclusion that since the road at the place of the accident was rather narrow and the damage to both vehicles was to the front offside, the evidence clearly indicated that the accident took place at or very near the middle of the road. Since the trial judge had not decided the case wholly on the oral testimony of the two drivers and nothing very much turned on the evidence about the scratch mark on the road or the broken glass on the verge, the balance of probability was in favour of the view that the drivers of both vehicles were to blame, and that it was impossible to say in what proportion the blame should be allocated between them. In the circumstances the court thought it reasonable to apportion the liability equally between the two drivers, and they accordingly gave judgment in favour of the plaintiffs for one half of the agreed special damages and of the general damages as assessed by the trial judge.

Their Lordships are of opinion that this is a case where the circumstantial or real evidence available to the learned trial judge offered minimal and most uncertain guidance towards a conclusion as to why and upon what part of the road the collision took place. The circumstance that the Mercedes car swung right round after the collision appears completely neutral in judging of the relative speeds of the car and the lorry immediately before the impact. The presence and position of the scratch mark and the broken glass do not in themselves support any reliable inference regarding the probable point of impact, but their Lordships are not prepared to hold that it would be an error to treat them as favouring to some extent the view that the collision occurred towards the side of the road on which they were found. In circumstances such as these the oral evidence of the two drivers assumed very great importance. The learned trial judge accepted that of the lorry driver and rejected that of the car driver. He does not expressly say in his judgment that he did so in the light of their demeanour in the witness box, but he must be taken, in a short and uncomplex case such as this one, to have at least taken the view that their demeanour was such as to justify the course which he took. While the learned judge relies upon certain aspects of the circumstantial evidence as supporting his decision to accept the evidence of one driver in preference to that of the other, it does not appear to their Lordships that these aspects are expressed to be the ground for that decision. As it is, their Lordships consider, as already mentioned, that the evidence about the scratch mark and the broken glass favours to some extent the view of the trial judge, but that the evidence about the car having swung round is entirely neutral. The circumstance that the damage to both vehicles was on the front offside must also, contrary to the view of the Federal Court, be regarded as entirely neutral.

There is a strong temptation, in an accident case where the circumstantial evidence is as scanty and inconclusive as it is here, to embark upon a course of speculation. It is, however, most important to refrain from founding upon any theory about the cause of the accident which has not been thoroughly tested in examination and cross-examination of witnesses. If the theory is so tested, the resultant reaction and demeanour of the witness may well be crucial in determining the issue of credibility and reliability. An appeal court should be most wary of upsetting the finding of the trial judge, who has seen and heard the witnesses, upon the basis of theories of their own as to the general probabilities, which have not been fully tested at the trial. Their Lordships consider, with the greatest respect, that the Federal Court have fallen into that sort of error in the present case. It is to be kept in view that it was for the plaintiffs to prove that the accident was caused, to some extent at least, by the fault of the lorry driver. The only evidence in support of their case was that of the car driver, but the trial judge rejected it. It is a strong step for an appeal court, which neither saw nor heard the witnesses, to hold that the trial judge was wrong to do so. Here the Federal Court have not only done that, partly on their view as to the general probabilities and partly by attaching significance to pieces of evidence in themselves completely neutral, but they have reached a contrary finding as to the cause of the accident which was not supported by any witness at the trial, and which necessarily involves, furthermore, that the car driver cannot have been telling the truth when he said he was driving as close as could be to his own side of the road.

For these reasons their Lordships are of opinion that the Federal Court were wrong in setting aside the order of Ajaib Singh J., and that the appeal should therefore be allowed and the order of Ajaib Singh J. restored. The appellants must have their costs of the proceedings here and before the Federal Court.

Their Lordships will advise His Majesty the Yang di-Pertuan Agong accordingly.

Appeal allowed.

Solicitors: *Douglas Goldberg & Co.; Parker Garrett & Co.*